The A. F. of L. Weekly News Service gives a brief summary of important matters affecting labor, occurring in the industrial, legislative and judicial fields, and such other information that will benefit the trade union movement.

# AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

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The first step to knowledge is to know that we are ignorant. —Cecil.

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## BUSINESS MEN MAKE SENSATIONAL FLOP

Suppose that coal miners, or steel workers, or automobile workers, or oil workers employed in several states held a conference and demanded that their respective state legislatures pass drastic laws to reduce output; to compel employers to shut down a portion of the year?

Suppose these workers claimed they produced too much, and that this resulted in a glutted market, followed by idleness and wage reductions?

Would these workers be given serious consideration or would they be ridiculed?

This supposed action by workers is identical to the position taken by the recent Memphis cotton conference of planters, bankers and business men.

To check overproduction and falling prices, it was proposed that cotton states' legislatures be called upon to pass uniform laws regulating the amount of cotton each planter shall raise.

The delegates voted by states. After a bitter debate the plan was rejected, seven states against and four states favorable. The latter produce two-thirds of the nation's cotton, and these planters, bankers and business men refuse to abandon their Bolshevik-Mussolini theory that the state can tell a man how long and under what conditions he shall labor.

This demand is one of the most sensational reversals of economic and political belief in the history of this country. It is significant that champions of states' rights and individual liberty in other sections of the country make no comment. These professed libertarians are often trade union foes.

Organized workers can well afford to yawn the next time this element accuses them of divers economic misdeeds.

History has proven that the trade unions are right in a vast majority of the principles they profess and the policies they adopt.

History also shows that organized workers do not go to the state with troubles that they could —and should—settle themselves.

## SPIES AND TERRORISM USED BY MUSSOLINI

New York, Nov. 13.—European press cables indicate that spies employed by Mussolini fomentplots against Fascism. The dictator then points to these secret frame-ups as a justification for enlarging his terroristic policy.

Colonel Ricciotti Garibaldi, son of the famous Italian soldier, has confessed to French police that he accepted large sums of money from Italian officials to foment plots against Mussolini and that he would then expose the conspirators.

Following the latest attack, Mussolini and his grand council have passed drastic regulations against even suspected foes of Fascism. All parties and organizations that oppose the Fascisti are dissolved, and each member may be imprisoned from two to five years. Civil guarantees are abolished in these cases and the accused shall be tried by officers of the Fascist militia. A special office, known as "political investigation," shall be established at the headquarters of each legion of the Fascist militia, and wide powers over suspects are given these investigators. Passports are annulled, and it is impossible for Italians to leave their country. Frontier troops are authorized to fire on anyone who attempts to cross the national boundaries.

## PURPOSE OF WELFARE WORK

It is significant that welfare work is the rule only in anti-union plants.

Where employers maintain relations with organized labor these workers are not coddled by welfare workers and other uplifters.

A recent decision by the United States Board of Tax Appeals reveals why anti-union employers maintain such an interest in their employes.

The decision was made in the case of the Poinsett Mills of Greenville, S. C. This corporation asked that the money it paid for welfare work be deducted from its income on which taxes must be paid. In granting the request, the Board of Appeals said:

** * * The foregoing facts show that the Poinsett Mills had a consistent policy of welfare work among its employes which, as the president of the corporation testified, was necessary to produce an attitude of contentment toward the company among its employes, to equalize the lesser wages scale established in the section in which the company operated with a somewhat higher scale paid in other sections, and to reduce the volume of labor turnover.

"Such being the purpose of the contribution, we can not but feel that the intent of the company in making the contribution here at issue was one 'for purposes connected with the operation of its business'."

This decision is a notification to anti-union employers that they need pay no taxes on welfare work expenditures as this system makes it possible for workers to be contented with low wage rates.

## CLERGY WARN ANTI-UNIONISTS THEY CAN'T DOMINATE PULPIT

Detroit, Mich., Nov. 13.—In an official statement by the Detroit Council of Churches protest is made against an attempt "to dominate the pulpit on the part of men, many of whom are not even professing Christians."

The statement was prepared by Dr. Lynn Harold Hough, president of the council and pastor of the Central Methodist Church, because of the effort of the Board of Commerce to prevent representatives of trade unions to address the churches following the recent A. F. of L. convention.

The statement calls attention to an article printed in the official magazine of the Board of Commerce which contains this astounding phrase: "If the ministers of the city desire their pulpits to men who are admittedly attacking our government—"

"The false and insidious nature of this innuendo deserves the severest reprobation," the church men's statement declares. "It is quite official of the Board of Commerce actually wrote to the office of the Council of Churches lifting the amazing statement as to further certain Detroit churches were receiving money from labor.

"These are only illustrations of a campaign which included on the part of men interested in the preparation of a form letter sent by various men having no connection with certain churches to the ministers of these institutions, and including unpleasant forms of pressure by which we may or may not be fair to hold the leaders of the movement entirely responsible.

"In the gravest and most serious manner possible, we must protest against this wholesale attempt to dominate the pulpits of Detroit on the part of men, many of whom are not even professing Christians. The Christian church has a clear history of opposition to every form of lawlessness.

"In this matter it can stand without fear upon its record. It must insist with the greatest possible emphasis that the existence of a free and uncoerced pulpit is essential to its life and witness, and that any influence which would interfere with the complete autonomy of the pulpit is of the most sinister character."

## INDUSTRIAL FATIGUE CAUSED BY VIBRATION

Albany, N. Y., Nov. 13.—"Waste in industry arising from unnecessary fatigue is a new problem in industry," says Selle Swartz, director of the Bureau of Women in Industry, writing in the bulletin of the State Department of Labor.

"As industrial processes change, as larger and more complicated machines take the place of hand labor, as increased production means greater and greater speed, there are certain elements which enter into the question of fatigue which need not have been considered 10 years ago. One of these factors is vibration. While there has been some discussion of the effect of vibration on human beings, it has received relatively little consideration. Vibration, in fact, has received much less attention than any of the other recognized causes of non-muscular fatigue.

"Workers who sit all day on a floor which is constantly vibrating from the speed of machines may get 'used to it,' and they may be scarcely or not at all conscious of any increased effort necessitated by vibration, but the very process of getting 'used to it' involves an increased intensity of nervous effort which in itself is fatiguing.

"Many employers dismiss vibration as a cause of fatigue with the testimony of the worker himself when he says that he does not notice it and gets 'used to it.' This is not reliable. Wundt, in his laboratory experiments, finds that the process of getting 'used to anything' involves increased intensity of nervous effort, and 'a feeling of being coerced,' which is most favorable for the approach of exhaustion."

## "UNION SHOP" CASE WON BY PLAYWRIGHTS

New York, Nov. 13.—The Dramatists' Guild, an organization of playwrights, won a union shop case before the Arbitration Association of America. The union shop has been accepted by nearly all the producing managers, who agree to patronize only members of the guild.

### INJUNCTION JUDGE AGAIN ON RAMPAGE

Chicago, Nov. 12.—Injunction Judge Denis E. Sullivan is again on the rampage, and has selected as victims cloakmakers for his latest victims.

The workers refused to sign "yellow dog" contracts. They asked Judge Sullivan to assign the injunction hearing to another court because of his known hostility to striking workingmen, but this was refused.

Judge Sullivan places himself above the state legislature, and on every occasion ignores the injunction limitation act, passed by the last general assembly.

### "LAME DUCK" CONGRESS CONVENES NEXT MONTH

Washington, Nov. 13.—The last session of the sixty-ninth congress will convene on the first Monday of December next and adjourn March 4, 1927. This session is known as the "lame duck" congress because members defeated at the last election will hold office until final adjournment.

The new congress, elected this month, will not take office until December, 1927, unless the president calls a special session.

The forthcoming session will be occupied principally with appropriation bills, but the passage of vicious legislation is a possibility because defeated members are no longer responsible to constituents and often seek federal appointments and favored positions in private life.

## DAWES IS REBUFFED BY NATIONAL VOTERS

Washington, Nov. 13.—Vice President Dawes and his proposal to replace primary elections with the discredited convention system were rebuffed by the nation in the recent election.

The most emphatic rejection of the scheme was registered by Ohio voters, who refused by more than 100,000 majority, to remove the primary provision from the state constitution.

## COMPENSATION LAW WINS IN MISSOURI

St. Louis, Mo., Nov. 13.—This state overwhelmed opponents of the workmen's compensation law. The act was passed by the state legislature, but opponents secured its reference to the referendum. Organized labor, led by President Green and the Missouri State Federation of Labor, conducted a vigorous campaign in behalf of the law.

## A SABRE OVER ITALY

(From the New York World)

Nowhere outside of Russia has the world in our own times witnessed repressive measures comparable with those now invoked by Mussolini. A cabinet council, dominated by Mussolini, has decreed:

That there must be no opposition party to Fascism.

That there must be no opposition press.

That there must be no criticism of the government "in any shape or form."

That breaking the law in these matters shall result in trial by court-martial and imprisonment, if guilty.

For even though they have not broken the law, "suspects" may be given indeterminate sentences in Italy's penal colonies.

That it shall be made a crime punishable by imprisonment to communicate abroad any "exaggerated news" of anything of any sort in any part of Italy.

For extremist measures there is no middle-of-the-road interpretation. Either Mussolini is so supremely safe in power that he can ride rough shod over the last pretense of decency or he is so desperately unsafe in power that he must resort to the last indecent weapon of repression to throttle an opposition which lurks beneath the surface of Italian life today.

We incline to the latter view, for the reason that along with these repressive measures Mussolini has found it necessary to resort to the despicable weapon of the agent-provocateur, seldom an ally of the victor. But note this in either case:

Fascism has been in power for four years. At the end of four years it invokes the most repressive measures of a generation. Whether it is top dog or desperately in fear for its very existence it has taken Italy not from the tyranny of a minority back to freedom, but from repression to repression.

After four years a natural equilibrium of forces is as far away as ever—the danger of a sharp turn from tyranny to anarchy is real.

## INJUNCTION JUDGE QUITS UNDER FIRE

Washington, Nov. 13.—Facing impeachment trial before the United States Senate on charges of abuse of power and other high misdemeanors, Federal Judge English of the eastern district of Illinois handed his resignation to President Coolidge.

By quitting under fire the House of Representatives may follow precedent and drop the case on the theory that English is now a private citizen, and that the purpose of the impeachment proceedings is to remove from office an official whom the House has determined is unfit to further perform the duties of his office.

The investigation which led to the impeachment of English was started by the St. Louis Post-Dispatch in October, 1924. The newspaper brought evidence to show that he was tyrannical and abused the powers of his office and that he showed partiality and favoritism in bankruptcy cases. English was connected with a bankruptcy ring and manipulated bankruptcy cases and funds for the benefit of referees, himself and his son. His treatment of members of the bar in his court was "coarse, indecent, arbitrary and tyrannical."

During the nation-wide shopmen's strike English's court was known as an injunction mill. He thundered his insults at strikers, issued court orders without number and denounced workers for their "defiance of law and order."

### ROOFERS RAISE WAGES

Miami, Fla., Nov. 13.—Roofers raised wages from $10 to $11 a day.

## WAS "BILL" WILSON ELECTED TO SENATE?

Washington, Nov. 13.—Was William B. Wilson, first Secretary of Labor and former secretary-treasurer of the United Mine Workers, "counted out" in his senatorial contest with Congressman Vare?

Although Pennsylvania is considered a rock-ribbed Republican stronghold, trade unionists "bolt" party ranks, ignored party lines in the election. Wilson carried 55 of the 67 counties of the state, was defeated by a 70,000 majority in Allegheny county (Pittsburgh), but he came to Philadelphia with a state-wide majority of 50,000.

In Philadelphia amazing things happened. One eastern paper declares that the election of the Vare machine in that city "must stand as among the wonders of the world."

An official count shows that in 30 voting precincts, Vare received 6,286 votes, and not one ballot was cast for Wilson. In 27 other precincts Vare received 6,285 votes and Wilson 27 votes. The combined 57 precincts, according to official returns, give Vare 12,571 votes and Wilson 27 votes.

It is declared that no gang machine in any other city in the country would dare go to such extremes.

### "TOM" GAFNEY IS DEAD

Syracuse, N. Y., Nov. 13.—Thomas M. Gafney, publisher of the Industrial Weekly, died in this city after a long illness. He was a member of the Typographical union and took an active part in labor and civic affairs. For more than 20 years he made a vigorous and intelligent presentation of labor's demands in the Industrial Weekly.

## COURT REVAMPS OLD DECISION TO JUSTIFY STRIKE HOSTILITY

Washington, Nov. 13.—In its recent approval of a Kansas industrial court decision which held illegal a miners' strike to enforce a wage claim, the United States Supreme Court said:

"Neither the common law nor the Fourteenth Amendment confers the absolute right to strike." The court quoted its decision in Alkens vs. Wisconsin to uphold what is probably the first clear-cut declaration by the nation's highest tribunal that neither the common law nor the Federal Constitution gives workers the right to suspend work for reasons sufficient to others.

By inference the court assumed the right to say when and how workers may strike. This was shown by the court's claim that the miners should not engage in civil courts.

"A strike may be illegal because of its purpose, however lawful the thing which it is conducted," the court said.

The Alken vs. Wisconsin case had no relation to labor or the strike issue, and it would appear that the Supreme Court placed a strained construction on that decision when it now applies it to the right to strike.

The Wisconsin case was decided in 1904. That state charged certain newspapers in Milwaukee with combining to reject advertisements, except upon certain conditions, of merchants who advertised in a competing newspaper that had increased its advertising rates.

The case rested on a state statute which prohibited combination for the purpose of "wilfully or maliciously" injuring another in his reputation, trade, business or profession.

Two of the defendant newspaper publishers admitted that the purpose of the combination was to injure their rival.

In upholding the conviction of these publishers, the state supreme court said: "We interpret 'maliciously injuring' to import doing a harm malevolently for the sake of the harm as an end in itself and not merely as a means to some further end legitimately desired."

Trade unionists submit that strikes are called to redress grievances, and not for the reason of maliciously inflicting injury on an employer. That injury often follows is not denied, but this injury is incidental, and is not the primary object.

Therein, trade unionists submit, is the difference between a strike and the Alken vs. Wisconsin case, which the Supreme Court now uses to justify its claim that "neither the common law nor the Fourteenth Amendment confers the absolute right to strike."

### CHILDREN HAVE POOR EYES

New York, Nov. 12.—Examination of public school children reveals that poor eyes is one of the most common physical defects among pupils.

## LAW MAKERS ARE ABOVE JUDICIARY

## JAILED STRIKER PLACED IN OFFICE

Passaic, N. J., Nov. 13.—Adolph Wisnefski, a jailed textile striker, was elected justice of the peace, in Garfield, near here.

Wisnefski and four other men have been prisoners for six weeks on suspicion of being implicated in the latest fire cracker bombing. They are held under $80,000 bail. In the Passaic county jail at Paterson six textile strikers are held on similar charges, under $210,000 bail.

The large textile strike has been marked by numerous explosions but in no instance have these explosions been marked by personal injury or loss of property. The strikers point to this fact as proof that employers' gun men and tool agents may know something of these occurrences.

The election of a jailed striker to the office of justice of the peace attracted the attention of New York newspapers, and efforts were made to secure a photo of Wisnefski in his cell. Sheriff Nimmo refused on the ground that the picture "might be used against him." Wisnefski in his cell can could take photos of murderers and kidnappers, but not workers on strike against a 10 per cent wage reduction.

## DAUGHERTY-MILLER FACE SECOND TRIAL

New York, Nov. 13.—Harry M. Daugherty, former United States attorney general, and Thomas W. Allen, former United States alien property custodian, will be put on trial again, United States Attorney Buckner announced.

Daugherty and Miller were indicted for conspiracy in connection with the transfer of alien property valued at $7,000,000. Their first trial resulted in a divided jury. The accused stood on their constitutional right and refused to testify.

The alien property owner paid his fee to the late John T. King, Republican politican of Connecticut, as a "fee," to hasten the transfer through the offices of Daugherty and Miller. Several of the Liberty bonds were traced through the bank accounts of Daugherty and Miller, but they have claimed these bonds were received as campaign contributions.

Daugherty's brother, who is president of an Ohio bank, testified that the former burned ledger accounts of the bank in that department claimed would strengthen its case. Prior to the destruction of these papers, the president of the bank refused to permit a senate committee to examine the bank's books.

Daugherty is the first cabinet official in the history of this country charged with a criminal offense. His other conviction for a place in history is his statement as attorney general before Federal Judge Wilkerson, in asking for an injunction against the striking railroad shop men:

"But it may be understood that so long as I am attorney general for the government of the United States, I shall use the power of the government to prevent the labor unions of the country from destroying the anti-union shop."

### CITY WAGE LAW UPHELD

Atlanta, Nov. 13.—Judge Pomeroy denied a petition for an injunction to restrain which would nullify the prevailing wage ordinance. Anti-unionists will carry the case to the State Supreme Court.

## Supreme Court Points Way To Labor Injunction Solution

Washington, Nov. 13.—"The United States Supreme Court has paved the way for labor injunction relief," said Andrew Furuseth, president of the International Seamen's Union.

"Every attempt to prevent the issuance of injunctions in labor disputes has failed, because the courts have held that this interferes with equal rights," Mr. Furuseth said. "At the last convention of the A. F. of L. the executive council was authorized to urge legislation by congress that would regulate the jurisdiction of federal courts sitting in equity.

"That this is the correct method is indicated by the supreme court in its recent decision empowering the president to remove officials appointed by him without the consent of the senate. The court said:

> **"It is clear that the mere establishment of a federal inferior court does not vest that court with all the judicial power of the United States as conferred in the second section of Article III, but only that conferred by congress specifically on the particular court. It must be limited territorially and in the classes of cases to be heard, and THE MERE CREATION OF THE COURTS DOES NOT CONFER JURISDICTION EXCEPT AS IT IS CONFERRED IN THE LAW OF ITS CREATION OR ITS AMENDMENT.'**

"Here," continued Mr. Furuseth, "the supreme court plainly states that as Congress creates inferior federal courts, Congress has the power to limit the jurisdiction of such courts. The second section of Article III, referred to by the Supreme Court, follows:

> **"'In all cases affecting ambassadors, other public ministers and consuls and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, WITH SUCH EXCEPTIONS AND UNDER SUCH REGULATIONS AS THE CONGRESS SHALL MAKE.'**

"With the Supreme Court acknowledging that Congress has the right to define what shall come before it on appeal, and that Congress has the right to define the jurisdiction of courts, which it creates, labor can well ask Congress to notify courts to limit the use of the injunction process to its original purpose, 'the protection of property where the plaintiff has no other remedy at law,'" Mr. Furuseth said.

"Joined with this declaration must be a definition of property. Any standard dictionary gives the answer —nothing is property unless it is tangible and is transferable.

"It has been said that there are state constitutions which deny legislatures of these states the power to define the jurisdiction of courts. If this is true, these constitutions should be amended so that they be in accord with the Constitution of the United States. This will be necessary to reestablish government by law.

"Equity is autocracy. It was vested in the king, then in the chancellor, and with each in the judiciary.

"The struggle between government by law, enacted by the people through their legislature, and the autocracy of the king, chancellor or court, has continued for centuries and is by no means ended, as workers have been learning."

### TOO MANY CARPENTERS

Miami, Fla., Nov. 13.—Carpenters complain that their "stay-away" warning is ignored and that the city is flooded with craftsmen seeking employment.

## NEXT SENATE FINELY BALANCED; NEITHER PARTY SURE OF CONTROL

Washington, Nov. 13.—The national elections resulted in an unusual situation in the senate. The Republicans claim 48 members, the Democrats 47 and the Farmer-Labor party one—Senator Shipstead of Minnesota. Every member maintained his "paper" designation although administration would have a majority of one. If Senator Shipstead votes with the minority party, Vice President Dawes could break the tie in favor of the administration.

In the days of strong partisanship and caucus rule, the situation would cause no uneasiness, but the absence of party strength shrinks when actual conditions are considered.

Among those listed as Republican senators is Senator Frazier of North Dakota, who refused admission to the conferences of Republican senators and committee assignments taken from him on the ground that he was not a Republican. Senator Brookhart has felt the power of machine organization, while Senator Norris, classed as a Republican, campaigned in Pennsylvania for the election of William B. Wilson, Democratic candidate for senator. The two Wisconsin senators —Mr. La Follette and Mr. Blaine—are classed as Republicans. They have opposed that party on major issues.

It is a question, despite these conditions, if the Democrats are willing to attempt to wrest control of the senate from the administration party. They will be blocked by a hostile chief executive and the House of Representatives. If the administration loses the senate this will serve as an alibi to the party. Democratic leaders are aware of this, hence they hesitate to divide responsibility.

The election of senators-elect Vare of Pennsylvania and Smith of Illinois is certain to be challenged when the new congress convenes.

Senator Norris claims that outside of Philadelphia, "where the Vare machine is entrenched, Mr. Vare was defeated by 50,000 majority."

"In 70 voting precincts in Philadelphia, casting in round numbers 17,000 votes, Mr. Wilson is given a total of 32 votes," Senator Norris said. "Does any sane, patriotic citizen believe these figures are the result of a fair and honest election?"

## COAL OWNERS ADMIT ANTI-UNION FAILURE

Charleston, W. Va., Nov. 13.—"Wage advances by anti-union coal operators of this state is an admission that the cheap wage system has failed," says the West Virginia Federationist.

Many of these employers signed the Jacksonville agreement and then repudiated it. This violation of their pledged word was followed by wage reductions, the importation of strike-breakers and gun men and successful use of the injunction judges to issue restraining orders against union miners.

The coal operators are now compelled to acknowledge that their wage-slashing program is disastrous to the industry. They likewise admit that trade unions are correct when they insist that high wages result in greater efficiency and stimulates business.

"The spirit of trade unionism is more apparent in the anti-union counties of the Logan, Mingo and McDowell than ever before. The New River, Kanawha and Coal River fields are also ripe for organization," says the Federationist.

"From Logan county comes the report that since his late personal experience with political bosses and operators, Don Chafin, former sheriff and czar of the Logan, Mingo and McDowell county union, declared his intention of joining forces with the miners and organizing Logan county into the United Mine Workers. Chafin has always opposed the miners' union in Logan, Mingo and McDowell counties, have expressed the same intention."

## POISON GAS CONTROL REFUSED BY NATIONS

Geneva, Nov. 13.—One group of experts at the preliminary conference that is attempting to arrange a program for a world disarmament conference attach little importance to naval and land armament because wars of the future, they say, will be decided from the air.

France is the only nation that has ratified the anti-poison gas treaty, and favors reprisals in the form of gas warfare on any country which violates its agreement not to use this weapon.

## WASTE ELIMINATION WILL AID PROSPERITY

Washington, Nov. 13.—Elimination of waste is the path to greater prosperity, said Herbert Hoover, Secretary of Commerce, in his annual report.

"The moral and intellectual progress of the nation," he said, "is not the offspring of poverty or low-living standards."

The betterment of rail transportation, increased use of water resources for electric power, navigation and common carriage and enlargement of the use of electric power were among the achievements laid down, as well as the reduction of manufacturing wastes by establishment of national standards, encouragement of pure and applied research and development of cooperative agricultural market methods.

"Water is today our greatest undeveloped resource," Secretary Hoover said. "Our streams alone can offer us a possible total of 55,000,000 horsepower, and of this less than 11,000,000 has been developed. Of our 25,000 miles of possible inland waterways, probably less than 7,000 are really modernized, and the utility of much of these 7,000 miles is minimized by their isolation into segments of what should be connected transportation systems. We still have 50,000,000 acres of possible reclaimable and irrigable lands in the country, needed for agricultural production, will some day be absolutely necessary to supply growing population.

"Every drop of water that runs to the sea without yielding full economic service to the nation is an economic loss. The immediate situation, the interest of future generations and the needs for future needs of the country alike require full use of all our resources."

### TYPOS RENEW CONTRACT

Washington, Nov. 12.—Newspaper publishers renewed their contracts with publishers for three years. In arbitration proceedings last May District of Columbia Supreme Court Judge Hitz raised wages $1.30 and $1.80 a day for day and night work. The publishers objected to the three-year feature of the award, which they termed "excessive." Judge Hitz changed his decision to one year. Both parties now accept it for three years. The four-hour newsday in any one week before overtime operates will be gradually eliminated.